



# USER'S GUIDE TO THE HERNDON ZONING ORDINANCE

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## 2. Zoning Map Amendments

(See zoning ordinance Section 78-201, *Review Procedures*, and Section 78-202 (A), *Zoning Map Amendment*.)

*The Town of Herndon zoning ordinance User Guide series provides the public with general information on land use regulations affecting activities undertaken by the public and administered by the Herndon Department of Community Development. It is not intended to be a complete statement of all applicable regulations. Individuals are encouraged to contact the Department of Community Development at 703-787-7380 for complete permitting requirements.*

### What is the zoning map?

The Commonwealth of Virginia provides that local jurisdictions may zone land according to land use, based on the local comprehensive plan. The Mayor and Town Council of Herndon adopted a zoning map which is regulatory and which helps describe where land use activities may be conducted within the town. The zoning map is a legal document and the regulations associated with it (the zoning ordinance) are law. The zoning map depicts residential districts, business districts, industrial districts, and planned development districts. Land use activity that does not comply with the zoning map or the zoning ordinance may result in a civil or criminal penalty.

### How can it be amended?

Sometimes, a person may have interest in conducting a land use in a location that is not authorized for the activity as shown on the zoning map (for example, a retail store in an office park.) The person can request that the zoning map be amended to permit the desired use. An application to amend the Official Zoning Map may be initiated by the Town Council by resolution, the Planning Commission by motion, or a person or entity who may submit an application with all supporting material as described in Section 78-202 (A) of the zoning ordinance.

A major factor in the success of the request is whether or not the request involves a land use in a location consistent with the Town's comprehensive plan.

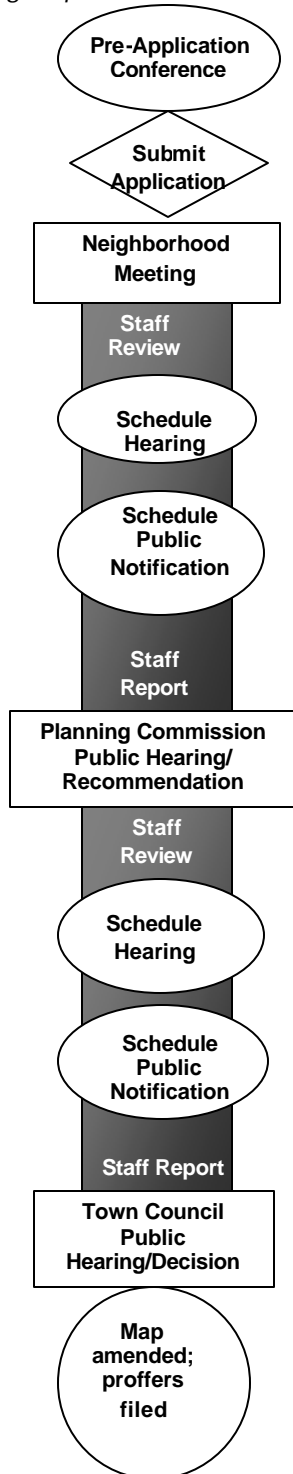
### What is required when requesting an amendment to the zoning map?

- ✍ A completed application form (available upon request) with supporting documentation.
- ✍ Payment of fee (see User Guide #23, "Fee Schedule.")
- ✍ A statement indicating whether or not the exhibits accompanying the application are proffered as conditions of the application.
- ✍ A traffic impact study.
- ✍ A generalized development plan with information described in Section 78-202(A)(4)(d) of the zoning ordinance.

If there are proffered conditions, the proffer statement must be submitted at the time of application. If the proffered conditions deal with a building's exterior appearance or materials, the application shall be reviewed by the Heritage Preservation Review Board if in a Heritage Preservation Overlay District. Neighborhood meetings are strongly encouraged prior to application. See User Guide # 1, "Neighborhood Meetings and Public Participation in the Planning and Zoning Process."

### What is the process for amending the zoning map?

The steps are outlined in the diagram below, and described in detail in Section 78-201, *Review Procedures*, and Section 78-202 (A), *Zoning Map Amendment*.



## How long does it take to amend the zoning map?

The length of time required to amend the zoning map depends to a large extent on the quality of the application and whether it meets all standards provided in the zoning ordinance. The amount of time from the pre-application conference to final action by the Town Council on the application is often six months or more. Any change or revision to an application by an applicant increases the length of time required for a Town Council decision on the request.

## After receiving a request, how does the Town decide whether or not to amend the map?

Consideration by the Planning Commission and Town Council is based on specific standards and review the application to ensure:

- ✍ It is consistent with the Comprehensive Plan.
- ✍ there are changed conditions that justify an amendment.
- ✍ It addresses a demonstrated community need.
- ✍ It is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land.
- ✍ It results in a logical and orderly development pattern, or deviate from logical and orderly development patterns. Accepted or emerging planning practices may be considered.
- ✍ It avoids the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.
- ✍ It avoids adverse impact on the property values of surrounding lands.
- ✍ It avoids adverse impact on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
- ✍ It results in development that is adequately served by transportation facilities, including whether or not a substantial deterioration of the level of service on the Town's transportation network would occur.
- ✍ It results in development that is adequately served by other public facilities (potable water and sewage, schools, parks, police, and fire and emergency medical facilities).
- ✍ If infill and redevelopment, it is consistent with the Evaluation Guidelines in the Redevelopment and Infill Guidelines,

Chapter 2: Land Use Plan, of the Town's Comprehensive Plan.

## What happens after the map is amended?

If approved by the Town Council, the zoning map amendment often takes effect immediately. The Town notifies the applicant officially of the action by the Town Council, the zoning map is physically changed consistent with the action of the Town Council to show a different zoning designation, and the proffer statement is filed in the Department of

Community Development for future reference. The Town notifies the Fairfax County Department of Tax Administration that a change in zoning has occurred, and the change is reflected in the Fairfax County land records.

If the application involves new development or redevelopment, the applicant then enters the process of site plan review to obtain approval for site development. A separate application would be submitted for review by either the Architectural Review Board (if outside the Heritage Preservation Overlay District) or the Heritage Preservation Review Board (if inside the Heritage Preservation Overlay District.)

## Need more information?

Got a question on required permits, the permit process, or application requirements? Call or make an appointment to see a member of the staff in the **Department of Community Development at 703-787-7380**.

Have a question regarding building permits or construction codes? Call or make an appointment to see the **Building Official at 703-435-6850**.

Visit the Town of Herndon on the web at [www.herndon-va.gov](http://www.herndon-va.gov) for the Zoning Ordinance User Guide series or to access the Town Code. Town offices are located at the Herndon Municipal Center at 777 Lynn Street, Herndon, Virginia, 20172.

## User's Guide to the Zoning Ordinance Series

1. Neighborhood Meetings and Public Participation in the Planning and Zoning Process
2. Zoning Map Amendments
3. Signs
4. Special Exceptions
5. Site Plan Review Procedures
6. Single Lot Development
7. Chesapeake Bay Provisions
8. Traffic Impact Studies
9. Subdivision Site Plans
10. Unified Commercial Subdivisions
11. Performance Guarantees
12. Heritage Preservation Regulations
13. Board of Zoning Appeals
14. Conducting a Business in the Home
15. Fences
16. Accessory Structures
17. Summary of Permitted and Allowed Uses in the Zoning Districts
18. Summary of Dimensional Standards in the Zoning Districts
19. Commercial Vehicle Parking in Residential Districts
20. Parking on Lots with Single Family Detached Dwellings
21. Landscape and Buffer Requirements
22. Explanation of Variances, Waivers, Adjustments, and Exceptions
23. Fee Schedule
24. Temporary Use Permits, Special Events
25. Day Care, Child Care, Preschool and Home Day Care
26. Zoning Inspection and Zoning Appropriateness Permits
27. Written (Mailed) Notification to Adjacent Property Owners for Scheduled Public Hearings
28. Refuse Collection on Private Property
29. Exterior Lighting Standards
30. Vacating a Street Right-of-Way